

REMARKS

The Applicant has carefully reviewed the Office action dated July 28, 2007, wherein each of the claims 36-46 were initially rejected under 35 U.S.C. §112, second paragraph, and claims 36, 37 and 42-46 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,109,361 to Henderson. The remaining claims were initially rejected under 35 U.S.C. §103(a) as being obvious over the '361 patent in view of U.S. Patent 1,180,526 to Partridge.

In response, claims 36-41 and 43-46 have been amended, claim 42 has been cancelled, and new claims 47-53 are presented herewith. More specifically, claims 36-41 and 45-46 are amended to replace "the or each" with "at least one" in several instances. These amendments are believed to be sufficient to overcome the initial rejections under 35 U.S.C. §112, second paragraph.

Turning now to the substantive rejection of claims 36, 37 and 42-46 under Section 102(b), the Applicant amends claim 36 which is now believed to even more clearly patentably distinguish over the '361 patent to Henderson. In a Section 102 analysis, the standard for lack of novelty or "anticipation" is one of strict identity. As stated in *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947, "[i]t is axiomatic that for prior art to anticipate under Section 102 it has to meet every element of the claimed invention" As amended, claim 36 includes "an extension operatively connected to, and disposed at an outer end of, and in fluid communication with, the at least one first type of hollow radial arm, the extension being disposed at a first angle to the at least one first type of radial arm, within the radial plane, and at a second angle from the radial arm, towards the base." This limitation is not found in the '361 patent to Henderson. Thus, the claim is believed to patentably distinguish thereover. Rather, Henderson merely teaches that each spray head has a nozzle oriented to cause the sprinkler head structure to rotate about the tubular, fixed

pipng system connecting structure. For this reason, claim 36 and its dependent claims 37-41 and 43-44 are believed to be allowable over the cited patent.

Similarly, method claims 45 and 46 rely on the same structure set forth in claim 36 and should be allowable over the '361 patent to Henderson for the reasons set forth above.

This type of limitation concerning the extension is also found in new claim 47. Accordingly, claim 47 is likewise believed to patentably distinguish over the '361 patent to Henderson as are its dependent claims 48-57.

In summary, the Applicant has addressed all of the issues presented in the Office action of July 28, 2007. Regarding the substance of the claims, the reasoning and authority has been clearly set forth as to how the applied prior art patents fall short of anticipating or making obvious each of the pending claims. Accordingly, it is respectfully submitted that the case is in condition for allowance, and an early notice to that effect is earnestly solicited.

In the event that some unforeseen point still remains to be considered in order to obtain allowance of all of the claims, it is respectfully requested that Applicant's attorney be telephoned at the number below so that the final allowance can be expedited.

Respectfully submitted,

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